

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Kevin Lee Gregory,

Plaintiff,

v.

Spartanburg County Jail, and Spartanburg
County,

Defendants.

C/A No.: 9:22-cv-2072-SAL

ORDER

This matter is before the court for review of the December 13, 2022, Report and Recommendation of United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 11.] In the Report and Recommendation, the Magistrate Judge recommends dismissing Plaintiff Kevin Gregory's Complaint without prejudice and issuance of service of process for failing to state a claim upon which relief can be granted. *Id.* at 5. Attached to the Report was a notice advising the parties of the procedures and requirements for filing objections to the Report. *Id.* at 6. Gregory failed to object, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 11, and incorporates the Report by reference herein. Accordingly, the court **DISMISSES** Gregory’s Complaint **without prejudice**. The clerk of court is directed to close this case.

IT IS SO ORDERED.

March 14, 2023
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge